

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV277-MU-02

JAMES LEWIS HAMILTON,
Petitioner,

v.

SHERWOOD McCABE, Supt.,
Respondent.

)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER comes before the Court on petitioner's Petition Under 28 U.S.C. §2254 For Writ Of Habeas Corpus . . . ,” filed June 14, 2005; and on the respondent's "Motion To Dismiss On Statute Of Limitations Grounds . . . , filed July 19, 2005.

After careful review of the respondent's Motion to Dismiss, this Court finds that he may be entitled to a summary dismissal of the instant Petition as a matter of law. That is, the Court finds that the respondent has more than adequately demonstrated that the petitioner's Petition may have been untimely filed.

PETITIONER HAMILTON READ THIS:

You now have the opportunity to reply to the respondent's Motion. You may not allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original Habeas Petition and/or those set forth in the respondent's Motion to Dismiss.

You are further advised that you have thirty (30) days from the filing of this Order in which to file your reply in opposition to the respondent's Motion to Dismiss. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the petitioner has thirty (30) days from the filing of this Order in which to provide a response to the respondent's Motion to Dismiss; and

2. That the Clerk shall send copies of this Order to the petitioner and to counsel for the respondent.

SO ORDERED.

Signed: July 22, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

